



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 13597

PERMIT 8504

LICENSE 4464

Page 1 of 5

THIS IS TO CERTIFY, That Juliana Mutual Water Company
2424 Barnett Road
St. Helena, CA 94574

Has the right to use waters of (1) Unnamed Stream tributary to Pope Creek thence Putah Creek, and (2) Pope Creek tributary to Putah Creek in Napa County

for the following purpose: Domestic, Irrigation, Frost Protection, Stockwatering, Recreational and Fire Protection uses

Amended License 4464 supersedes the license originally issued on December 18, 1956, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of Permit 8504. The priority of this right dates from February 2, 1950. Proof of maximum beneficial use of water pursuant to Application 13597 was made as of February 23, 1950.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed 65 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year. The maximum rate of diversion to offstream storage shall not exceed 24.5 cubic feet per second.

Maximum withdrawal from storage in any one year shall not exceed 49 acre-feet.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION IS LOCATED:

- (1) South 4,520 feet and West 2,220 feet from NE corner of fractional Section 9, T9N, R5W, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9.
- (2) South 3,630 feet and West 1,920 feet from NE corner of fractional Section 9, T9N, R5W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreational and stockwatering uses at Lower Twin Lake; domestic and fire protection use within Parcel # 12; irrigation and frost protection of 52 acres, and stockwatering, all within a gross area of 4,703 acres within Sections 2 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 17, 18, 20, 21, 22, 27, and 28, T9N, R5W, MDB&M and Sections 33, 34, and 35, T10N, R5W, MDB&M, as shown on map dated September 1997 on file with the SWRCB. The area served under this license and licenses issued pursuant to Applications 11236, 12851, 14024, 15164, 15934, 16267, 20060,

20061, 23264 and 24045 shall not exceed a net 1,893 acres within the gross of 4,703 acres.

For wildlife habitat enhancement, licensee shall continue to implement the revegetation plan submitted by licensee's letter dated July 19, 1991 (contained in the file for Application 22042). A minimum of 520 trees shall be planted. To be considered successful, each plant must be self-sustaining for at least three years. If mortality causes the number of plants to decline below the target survival rate of 75 percent, new plants shall be planted until the minimum 75 percent survival rate is attained. A report on the status and success of the revegetation program shall be submitted annually to the SWRCB until the 75 percent survival rate is attained. After completion of the tree-planting program, photograph documentation showing the trees and the stream corridor shall be submitted to the Chief of the Division of Water Rights.

(0000040)

For the passage and protection of wildlife in the area, license shall not clear vegetation, construct fencing, or otherwise disturb the existing drainage of the stream channels for a minimum lateral distance of 50 feet from the top of the bank on each side of all blue-line streams as shown on the U.S. Geological Survey 7.5 minute quadrangle maps St. Helena and Aetna Springs. This condition shall apply to all vineyard development occurring after the issuance of this Order for change in the place of use.

(0000040)

No construction shall be commenced and no water shall be used under this license until all necessary Napa County approvals have been obtained. Development can be programmatic in nature. A copy of the Napa County Approval, and any erosion control or vegetation preservation plans shall be forwarded to the SWRCB.

(000J045)

Licensee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565:

- (1) Licensee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin the diversion of water under this license for noncompliance with the terms of the Agreement.
- (2) Diversion of water under this license shall be subject to the watermaster appointed by the court to enforce the terms of the Agreement. The licensee shall be responsible for partial payment of the watermaster costs in accordance with the terms of the Agreement.
- (3) Licensee may employ existing methods or means of measurement (or alternatively any other standard means of measurement normally acceptable or satisfactory to the SWRCB in its administration of appropriative water rights) for determining the amount of water diverted to storage under this license, unless otherwise specified by the Agreement.
- (4) Licensee shall install at licensee's own cost such additional or other measurement devices as are necessary to measure actual depletions, if the watermaster determines that additional measures are necessary, consistent with Section 3.A.3 (Measuring Devices) of the Agreement.
- (5) Licensee shall report to the watermaster annually, on or about September 1, the amount of water diverted to storage under this license at the beginning and end of the Accumulation Season as required by the watermaster. Such annual reports shall be made in writing on forms approved by the watermaster.

- (6) Licensee shall allow the watermaster reasonable access to the project covered by this license to inspect measuring equipment and to verify compliance to terms and conditions of the Agreement, upon 48-hour prior notice and upon such reasonable conditions as licensee may prescribe.
- (7) Licensee is hereby put on notice that there may be years when diversion of water under this license will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under this license.
- (8) In the event Allowable Depletion is exceeded in any year, licensee shall release water diverted to storage to the extent necessary to bring the Allowable Depletion into compliance. Licensee's obligation to release water from storage shall be governed by the repayment provisions of the Agreement. (Agreement pp. 9, 10, and 11)
- (9) In any year in which Annual Depletion exceeds Allowable Depletion, if Lake Berryessa: (a) does not drop below 640,000 acre-feet in storage as of May 1, licensee shall have three years, starting in the next Accumulation Season, to make up or repay licensee's excess diversions; or (b) does not reach 640,000 acre-feet of storage as of May 1, licensee shall have one year, starting in the next Accumulation Season, to make up or repay licensee's excess diversions. In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, licensee shall be excused from any further obligation for repayment of the overage.
- (10) Licensee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion, or by the provision of water from other sources.
- (11) Licensee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the license.
- (12) Licensee is hereby put on notice of licensee's right, upon reasonable prior notice, to inspect and to copy, at licensee's own expense, all records and reports of the watermaster.

Inclusion in the license of certain provisions of the Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this license. (0000024)

The SWRCB shall have continuing authority under article X, section 2 of the California Constitution, Water Code sections 100 and 275, and the common law public trust doctrine over this license to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995 Condition 12 Settlement Agreement and any amendments to the Agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing. (0000012)

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in

accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

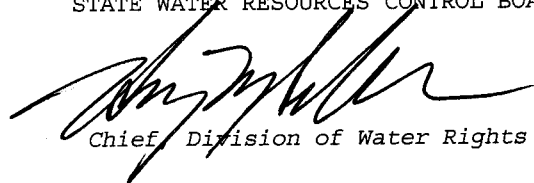
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUL 02 2001

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

4464

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of License 4464 (Application 13597)
Juliana Mutual Water Company

ORDER APPROVING CHANGE IN PLACE OF USE,
ADDING NEW CONDITIONS AND AMENDING THE LICENSE

SOURCE: Unnamed Stream and Pope Creek

COUNTY: Napa

WHEREAS:

1. License 4464 was issued to C.C. Glidden on December 18, 1956 pursuant to Application 13957 and was recorded with the County Recorder of Napa on December 27, 1956.
2. License 4464 was subsequently assigned to Juliana Vineyards on June 6, 1992, and then re-assigned to Juliana Mutual Water Company on January 5, 1999.
3. A petition to change the place of use was filed with the State Water Resources Control Board (SWRCB) on November 7, 1997, and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on February 23, 1998, and protest issues have been resolved.
4. The SWRCB has determined that the petition for change in place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The license term relating to the continuing authority of the SWRCB should be amended to conform to section 780(a), title 23 of the California Code of Regulations.
6. The license term relating to the water quality objectives of the SWRCB should be added to conform to section 780(b), title 23 of the California Code of Regulations.
7. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.

8. On October 23, 1997, the Division of Water Rights issued an Order Approving Correction in the Rate of Diversion to Offstream Storage, Changes in the Purpose of Use, Place of Use, and Amending the License (order). The order added the provisions of the Condition 12 Settlement Agreement dated March 10, 1995 to the license, as order condition 4. Condition 4, paragraphs (3) and (3b) are inapplicable for a minor project and should be replaced with the correct version for a minor project. The Chief, Division of Water Rights has authority to make corrections in licenses due to typographical error.

NOW, THEREFORE, IT IS ORDERED THAT LICENSE 4464 IS AMENDED TO READ AS FOLLOWS:

1. Paragraph 3 of the license is amended to read as follows:

Recreational and stockwatering uses at Lower Twin Lake; domestic and fire protection uses within Parcel #12; irrigation and frost protection of 52 acres, and stockwatering, all within a gross area of 4,703 acres within Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 17, 18, 20, 21, 22, 27, and 28, T9N, R5W, MDB&M and Sections 33, 34, 35, T10N, R5W, MDB&M, as shown on map dated September 1997 on file with the SWRCB. The area served under this license and licenses issued pursuant to Applications 11236, 12851, 14024, 15164, 15934, 16267, 20060, 20061, 23264 and 24045 shall not exceed a net 1,893 acres within the gross of 4,703 acres.

2. The continuing authority condition shall be amended to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

3. The water quality objectives condition shall be added as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

4. License 4446 is amended to include the following Endangered Species condition:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

5. For wildlife habitat enhancement, licensee shall continue to implement the revegetation plan submitted by licensee's letter dated July 19, 1991 (contained in the file for Application 22042). A minimum of 520 trees shall be planted. To be considered successful, each plant must be self-sustaining for at least three years. If mortality causes the number of plants to decline below the target survival rate of 75 percent, new plants shall be planted until the minimum 75 percent survival rate is attained. A report on the status and success of the revegetation program shall be submitted annually to the SWRCB until the 75 percent survival rate is attained. After completion of the tree-planting program, photograph documentation showing the trees and the stream corridor shall be submitted to the Chief of the Division of Water Rights.

(0000040)

6. For the passage and protection of wildlife in the area, license shall not clear vegetation, construct fencing, or otherwise disturb the existing drainage of the stream channels for a minimum lateral distance of 50 feet from the top of the bank on each side of all blue-line

streams as shown on the U.S. Geological Survey 7.5 minute quadrangle maps St. Helena and Aetna Springs. This condition shall apply to all vineyard development occurring after the issuance of this Order for change in the place of use. (0000040)

7. No construction shall be commenced and no water shall be used under this license until all necessary Napa County approvals have been obtained. Development can be programmatic in nature. A copy of the Napa County Approval, and any erosion control or vegetation preservation plans shall be forwarded to the SWRCB. (000J045)
8. Licensee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565:
 - (1) Licensee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin the diversion of water under this license for noncompliance with the terms of the Agreement.
 - (2) Diversion of water under this license shall be subject to the watermaster appointed by the court to enforce the terms of the Agreement. The licensee shall be responsible for partial payment of the watermaster costs in accordance with the terms of the Agreement.
 - (3) If reasonably determined to be necessary by the watermaster to determine Annual Depletion, Big Lake (Dick Week Reservoir) shall have a water level measuring device that documents continuous reservoir levels during the Accumulation Season, purchased (and replaced if necessary) by the watermaster and installed and maintained at the expense of the licensee.
 - (4) Licensee shall install at licensee's own cost such additional or other measurement devices as are necessary to measure actual depletions, if the watermaster determines that additional measures are necessary, consistent with Section 3.A.3 (Measuring Devices) of the Agreement.
 - (5) Licensee shall report to the watermaster annually, on or about September 1, the amount of water diverted to storage under this license at the beginning and end of the Accumulation Season as required by the watermaster. Such annual reports shall be made in writing on forms approved by the watermaster.
 - (6) Licensee shall allow the watermaster reasonable access to the project covered by this license to inspect measuring equipment and to verify compliance to terms and conditions of the Agreement, upon 48-hour prior notice and upon such reasonable conditions as licensee may prescribe.
 - (7) Licensee is hereby put on notice that there may be years when diversion of water under this license will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under this license.

(8) In the event Allowable Depletion is exceeded in any year, licensee shall release water diverted to storage to the extent necessary to bring the Allowable Depletion into compliance. Licensee's obligation to release water from storage shall be governed by the repayment provisions of the Agreement. (Agreement pp. 9, 10, and 11)

(9) In any year in which Annual Depletion exceeds Allowable Depletion, if Lake Berryessa: (a) does not drop below 640,000 acre-feet in storage as of May 1, licensee shall have three years, starting in the next Accumulation Season, to make up or repay licensee's excess diversions; or (b) does not reach 640,000 acre-feet of storage as of May 1, licensee shall have one year, starting in the next Accumulation Season, to make up or repay licensee's excess diversions. In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, licensee shall be excused from any further obligation for repayment of the overage.

(10) Licensee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion, or by the provision of water from other sources.

(11) Licensee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the license.

(12) Licensee is hereby put on notice of licensee's right, upon reasonable prior notice, to inspect and to copy, at licensee's own expense, all records and reports of the watermaster.

Inclusion in the license of certain provisions of the Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this license. (0000024)

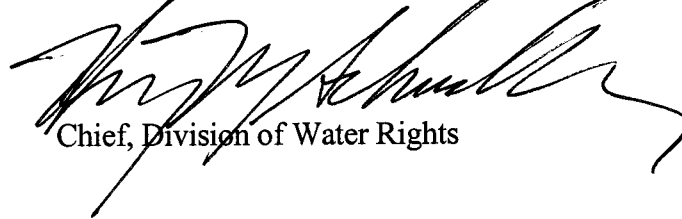
The SWRCB shall have continuing authority under article X, section 2 of the California Constitution, Water Code sections 100 and 275, and the common law public trust doctrine over this license to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995 Condition 12 Settlement Agreement and any amendments to the Agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing. (0000012)

9. License 4464 shall contain all other terms and conditions presently in License 4464 or updated terms to reflect present SWRCB policies.

Dated:

JUL 02 2001

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 13597 Permit 8504 License 4464

**ORDER APPROVING CORRECTION IN THE RATE OF DIVERSION TO
OFFSTREAM STORAGE, CHANGES IN PURPOSE OF USE, PLACE OF USE,
AND AMENDING THE LICENSE**

WHEREAS:

1. License 4464 was issued on December 26, 1956 pursuant to Application 13597. The license is assigned to Juliana Vineyards.
2. Petition to change the purpose and place of use was filed with the State Water Resources Control Board (SWRCB) on October 3, 1994.
3. The petition was protested and issues raised by the protests resulted in the County of Napa adopting Ordinance No. 1118 which restricts certain types of land uses within the county.
4. A Settlement Agreement dated March 10, 1995 resolved the litigation among water users within the Putah Creek Watershed upstream of Lake Berryessa.
5. An amended petition to change the purpose and place of use was refiled with the SWRCB on May 29, 1997.
6. The SWRCB has determined that the petition for change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
7. The SWRCB has determined that a condition establishing the maximum rate of diversion to offstream storage should be placed in License 4464.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purpose of use for License 4464 is amended to read:
Domestic, Irrigation, Frost Protection, Stockwatering, Recreational, and Fire Protection.
2. A condition defining the maximum diversion rate to offstream storage be added to License 4464:

The maximum rate of diversion to offstream storage shall not exceed 24.5 cubic feet per second.

3. The place of use for License 4464 shall be as follows:

Recreational and stockwatering use at Lower Twin Lake; irrigation and frost protection of 52 acres, and stockwatering, all within a gross area of 3,700 acres within Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 16, 17, 18, and 20, T9N, R5W, MDB&M, and Sections 33, 34, and 35, T10N, R5W, MDB&M; and domestic and fire protection use within Parcel No. 12 as shown on map filed with the SWRCB. The area served under this right and those rights initiated by Applications 11236, 12851, 14024, 15164, 15934, 16267, 20060, and 20061 shall not exceed a net of 1,600 acres within the gross area of 3,700 acres.

4. Licensee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565:

- (1) Licensee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin the diversion of water under this license for noncompliance with the terms of the Agreement.
- (2) Diversion of water under this license shall be subject to the watermaster appointed by the court to enforce the terms of the Agreement. The licensee shall be responsible for partial payment of the Watermaster costs in accordance with the terms of the Agreement.
- (3) Licensee shall measure reservoir storage at the beginning and end of the Accumulation Season. Contribution to Annual Depletion shall be determined to be the change in storage during the Accumulation Season. The licensee shall pay for the cost of installing and maintaining any water level measuring device required by the SWRCB.
- (3b) If reasonably determined to be necessary by the watermaster to determine Annual Depletion, Big Lake (Dick Week Reservoir) shall have a water level measuring device that documents continuous reservoir levels during the Accumulation Season, purchased (and replaced if necessary) by the watermaster and installed and maintained at the expense of the licensee.
- (4) Licensee shall install at licensee's own cost such additional or other measurement devices as are necessary to measure actual depletions, if the watermaster determines that additional measures are necessary, consistent with paragraph 3.A.3 (Measuring Devices) of the Agreement.
- (5) Licensee shall report to the watermaster annually, on or about September 1, the amount of water diverted to storage under this license at the beginning and end of the Accumulation Season as required by the watermaster. Such annual reports shall be made in writing on forms approved by the watermaster.
- (6) Licensee shall allow the watermaster reasonable access to the project covered by this license to inspect measuring equipment and to verify compliance to terms and conditions of the Agreement, upon 48-hour prior notice and upon such reasonable conditions as licensee may prescribe.

- (7) Licensee is hereby put on notice that there may be years when diversion of water under this license will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under this license.
- (8) In the event Allowable Depletion is exceeded in any year, licensee shall release water diverted to storage to the extent necessary to bring the Allowable Depletion into compliance. Licensee's obligation to release water from storage shall be governed by the repayment provisions of the Agreement. (Agreement pp. 9, 10, and 11.)
- (9) In any year in which Annual Depletion exceeds Allowable Depletion, if Lake Berryessa: (1) does not drop below 640,000 acre-feet in storage as of May 1, licensee shall have three years, starting in the next Accumulation Season, to make up or repay licensee's excess diversions; or (2) does not reach 640,000 acre-feet of storage as of May 1, licensee shall have one year, starting in the next Accumulation Season, to make up or repay licensee's excess diversions. In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, licensee shall be excused from any further obligation for repayment of the overage.
- (10) Licensee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion, or by the provision of water from other sources.
- (11) Licensee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the license.
- (12) Licensee is hereby put on notice of licensee's right, upon reasonable prior notice, to inspect and to copy, at licensee's own expense, all records and reports of the watermaster.

Inclusion in the license of certain provisions of this Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this license. (0000024)

The SWRCB shall have continuing authority under Article X, Section 2 of the California Constitution, Water Code Sections 100 and 275, and the common law public trust doctrine over this license to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995, Condition 12 Settlement Agreement and any amendments to the agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing. (0000012)

Dated: **OCTOBER 23 1997**


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13597

PERMIT 8504

LICENSE 4464

ORDER ALLOWING CHANGE IN PLACE OF USE AND PURPOSE OF USE

WHEREAS:

1. A petition for change in place of use and change in purpose of use as authorized by License 4464 has been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
2. License 4464 was issued to Richard Week and was filed with the County Recorder of Napa County on June 16, 1952.
3. License 4464 was subsequently assigned to Bessie C. Harvey, Trustee of the F. C. Harvey Trust, and Margot A. Harvey and Harvey T. Granger, Trustees of the T. P. Harvey Trust No. 1, Tenants in Common.
4. The Board has determined that this change in place of use and change in purpose of use will not operate to the injury of any other legal user of water involved.

NOW, THEREFORE, IT IS ORDERED:

1. That permission is hereby granted to change the place of use under said License 4464 to a place of use described as follows:

RECREATIONAL AND STOCKWATERING USE AT THE RESERVOIRS, IRRIGATION AND FROST PROTECTION OF 52 ACRES, AND STOCKWATERING, ALL WITHIN A GROSS AREA OF 3,700 ACRES WITHIN SECTIONS 2, 3, 4, 5, 7, 8, 9, 10, 11, 16, 17, 18, AND 20, T9N, R5W, MDB&M, AND SECTIONS 33, 34, AND 35, T10N, R5W, MDB&M, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD. THE AREA SERVED UNDER THIS RIGHT AND THOSE RIGHTS INITIATED BY APPLICATIONS 11236, 12851, 14024, 15164, 15934, 16267, 20060, AND 20061 SHALL NOT EXCEED A NET OF 1,600 ACRES WITHIN THE GROSS AREA OF 3,700 ACRES.

Application 13597
Page 2

2. That permission is hereby granted to change the purpose of use under said License 4464 as follows:

IRRIGATION, FROST PROTECTION, STOCKWATERING, AND RECREATIONAL

Dated: JUN 29 1973

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13597

PERMIT 8504

LICENSE 4464

THIS IS TO CERTIFY, That C. C. Glidden
4821 North 31st Street
Phoenix, Arizona

Notice of Assignment (Over)

has made proof as of September 17, 1954,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
(1) Pope Creek and (2) an unnamed stream in Napa County

tributary to (1) Putah Creek and (2) Pope Creek

for the purpose of irrigation and stockwatering uses
under Permit 8504 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from February 23, 1950;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed sixty-five (65) acre-feet
per annum from either or both sources to be collected from about November 1 of
each year to about April 1 of the succeeding year.

Maximum withdrawal from storage in any one year shall not exceed forty-nine
(49) acre-feet.

The point of diversion of such water is located (1) south four thousand five hundred
twenty (4,520) feet and west two thousand two hundred twenty (2,220) feet from
NE corner of fractional Section 9, T 9 N, R 5 W, MDB&M, Being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$
of said Section 9. (2) south three thousand six hundred thirty (3,630) feet
and west one thousand nine hundred twenty (1,920) feet from NE corner of fractional
Section 9, T 9 N, R 5 W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.

A description of the lands or the place where such water is put to beneficial use is as follows:
43 acres within SE $\frac{1}{4}$ of fractional Section 9, T 9 N, R 5 W, MDB&M.
9 acres within NE $\frac{1}{4}$ of projected Section 16, T 9 N, R 5 W, MDB&M.
52 acres total as shown on map on file with State Water Rights Board

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

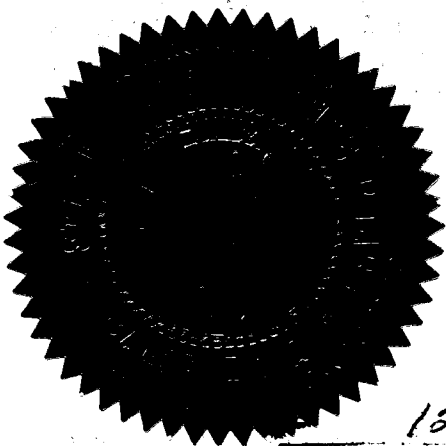
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **DEC 18 1956**

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer



12/21/60 RECEIVED NOTICE OF ASSIGNMENT TO Sahoe Keys, Inc.

2-28-62 RECEIVED NOTICE OF ASSIGNMENT TO California Leisure Lands, Inc.

4-12-77 RECEIVED NOTICE OF ASSIGNMENT TO Calcast Group, Incorporated

3-9-73 Records asgd to show F. C. Harvey Trust & T. P. Harvey Trust

12-18-74 RECEIVED NOTICE OF ASSIGNMENT TO Battered Gas & Oil Company

12-20-90 Not of asgd to Pope Vineyards;
6-2-92 asgd to Julian Vineyards;

LICENSE 4464
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO C. C. Glidden

DATED DEC 18 1956

40140 7-55 4M ① SPO